

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2008-0010-AIR-E    **TCEQ ID:** RN101271419    **CASE NO.:** 35137  
**RESPONDENT NAME:** Copano Processing, L.P.

Page 1 of 2

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> <b>1660 AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS ORDER FOLLOWING SOAH HEARING</b>
<input type="checkbox"/> <b>FINDINGS DEFAULT ORDER</b>	<input type="checkbox"/> <b>SHUTDOWN ORDER</b>	<input type="checkbox"/> <b>IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER</b>
<input type="checkbox"/> <b>AMENDED ORDER</b>	<input type="checkbox"/> <b>EMERGENCY ORDER</b>	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> <b>AIR</b>	<input type="checkbox"/> <b>MULTI-MEDIA</b> (check all that apply)	<input type="checkbox"/> <b>INDUSTRIAL AND HAZARDOUS WASTE</b>
<input type="checkbox"/> <b>PUBLIC WATER SUPPLY</b>	<input type="checkbox"/> <b>PETROLEUM STORAGE TANKS</b>	<input type="checkbox"/> <b>OCCUPATIONAL CERTIFICATION</b>
<input type="checkbox"/> <b>WATER QUALITY</b>	<input type="checkbox"/> <b>SEWAGE SLUDGE</b>	<input type="checkbox"/> <b>UNDERGROUND INJECTION CONTROL</b>
<input type="checkbox"/> <b>MUNICIPAL SOLID WASTE</b>	<input type="checkbox"/> <b>RADIOACTIVE WASTE</b>	<input type="checkbox"/> <b>DRY CLEANER REGISTRATION</b>
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Copano Processing Houston Central Gas PLT, 1650 County Road 255 South, Sheridan, Colorado County</p> <p><b>TYPE OF OPERATION:</b> Gas processing plant</p> <p><b>SMALL BUSINESS:</b>    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on June 2, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768  <b>TCEQ Enforcement Coordinator:</b> Ms. Roshondra Lowe, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3553;  Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. William Shutt, Senior EHS Specialist, Copano Processing, L.P., P.O. Box 170, Sheridan, Texas 77475  Mr. K. S. DeYoung, Vice President, Governmental and Regulatory Affairs, Copano Processing, L.P., P.O. Box 170, Sheridan, Texas 77475  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> December 10, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> December 14, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>AIR</b></p> <p>Failure to comply with the 0.32 pounds per hour ("lbs/hr") Volatile Organic Compound ("VOC") emissions limit for the Amine Vent ("EPN CO2VENT"). Specifically, during a September 25, 2007 reference method stack test, VOC emissions from the EPN CO2VENT were 141.6 lbs/hr. [30 TEX. ADMIN. CODE § 116.115(c), TCEQ Air Permit No. 56613, Special Condition No. 1, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$20,850</p> <p><b>Total Deferred:</b> \$4,170  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$8,340</p> <p><b>Total Paid to General Revenue:</b> \$8,340</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent submitted an application to the TCEQ on December 14, 2007 requesting an amendment to Air Permit No. 56613 to increase the VOC limits for EPN CO2VENT above the rate which was being emitted during the September 25, 2007 stack test.</p> <p><b>Ordering Provisions:</b></p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests, or by any other deadline specified in writing; and</p> <p>b. Within 180 days after the effective date of this Agreed Order, submit written certification demonstrating that EPN CO2VENT is operating within authorized limits for VOCs, and include detailed supporting documentation including photographs, receipts, and/or records to demonstrate compliance with Ordering Provisions 2.a. and 2.b.</p>

Additional ID No(s): CR0020C

Attachment A  
Docket Number: 2008-0010-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Copano Processing, L.P.</b>
<b>Payable Penalty Amount:</b>	<b>Sixteen Thousand Six Hundred Eighty Dollars (\$16,680)</b>
<b>SEP Amount:</b>	<b>Eight Thousand Three Hundred Forty Dollars (\$8,340)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Lower Colorado River Authority's Household Hazardous Waste and Reusable Materials Collection</b>
<b>Location of SEP:</b>	<b>Colorado County</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondent will contribute to Lower Colorado River Authority ("LCRA") Household Hazardous Waste and Reusable Materials Collection in Colorado County. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between the Lower Colorado River Authority and the Texas Commission on Environmental Quality*. SEP monies will be used to sponsor household hazardous waste collection events, battery collection events, used oil collection events, paint collection events, and tire collection events in conjunction with local city and county governments through the LCRA Statutory District. These collection events provide citizens with a safe and convenient opportunity to properly dispose of household hazardous wastes such as: paint, tires, pesticides, motor oil, oil filters, antifreeze, batteries, and household cleaners. Citizens will be encouraged to reuse unused portions of properly labeled and handled chemical products (i.e. fertilizers, paints, and some pesticides/herbicides) through the reusable materials exchange. SEP monies will be used by LCRA to supplement scheduled events, and to add additional collection events. The LCRA has not previously budgeted for these supplemental, additional, or special collection events and will not budget for them.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.



**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by providing a safe and convenient means for proper disposal of household hazardous waste. The program helps protect the environment, particularly the Edwards Aquifer and groundwater sources. It also discourages illegal dumping of hazardous materials by providing a convenient and free source for waste disposal.

**C. Minimum Expenditure**

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Lower Colorado River Authority  
Attn: Jack Ranney  
PO Box 220  
Austin, Texas 78767-0220

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:



Copano Processing, L.P.  
Agreed Order – Attachment A

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.







# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

TCEQ

<b>DATES</b>	<b>Assigned PCW</b>	17-Dec-2007	<b>Screening</b>	20-Dec-2007	<b>EPA Due</b>	10-Sep-2008
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<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Copano Processing, L.P.
<b>Reg. Ent. Ref. No.</b>	RN101271419
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	35137	<b>No. of Violations</b>	1
<b>Docket No.</b>	2008-0010-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	Roshondra Lowe
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$15,000

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **39%** Enhancement **Subtotals 2, 3, & 7** \$5,850

**Notes** Penalty enhanced due to one NOV for a similar violation, seven NOVs for unrelated violations and one 1660-style Agreed Order with denial of liability.

**Culpability** **No** **0%** Enhancement **Subtotal 4** \$0

**Notes** The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** **0%** Reduction **Subtotal 5** \$0

	Before NOV	NOV to EDP RP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

**Notes** The Respondent does not meet the good faith criteria.

**Total EB Amounts** \$479  
**Approx. Cost of Compliance** \$10,000  
**0% Enhancement\***  
*\*Capped at the Total EB \$ Amount*

**Subtotal 6** \$0

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$20,850

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0%** **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount** \$20,850

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$20,850

**DEFERRAL** **20%** Reduction **Adjustment** -\$4,170

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

Deferral offered for expedited settlement.

**PAYABLE PENALTY** \$16,680

Screening Date 20-Dec-2007

Docket No. 2008-0010-AIR-E

PCW

Respondent Copano Processing, L.P.

Policy Revision 2 (September 2002)

Case ID No. 35137

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101271419

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	7	14%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 39%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

Penalty enhanced due to one NOV for a similar violation, seven NOVs for unrelated violations and one 1660 style Agreed Order with denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 39%

<b>Screening Date</b> 20-Dec-2007 <b>Respondent</b> Copano Processing, L.P. <b>Case ID No.</b> 35137 <b>Reg. Ent. Reference No.</b> RN101271419 <b>Media [Statute]</b> Air <b>Enf. Coordinator</b> Roshondra Lowe <b>Violation Number</b> <input type="text" value="1"/>	<b>Docket No.</b> 2008-0010-AIR-E <div style="text-align: right;"><b>PCW</b></div> <div style="text-align: right; font-size: small;"> <i>Policy Revision 2 (September 2002)</i>  <i>PCW Revision November 6, 2007</i> </div>																			
<b>Rule Cite(s)</b> 30 Tex. Admin. Code § 116.115(c), TCEQ Permit No. 56613, Special Condition No. 1, and Tex. Health & Safety Code § 382.085(b)																				
<b>Violation Description</b> Failed to comply with the 0.32 pounds per hour ("lbs/hr") Volatile Organic Compound ("VOC") emissions limit for the EPNCO2VENT. Specifically, during a September 25, 2007 reference method stack test, VOC emissions from the EPNCO2VENT were 141.6 lbs/hr.																				
<b>Base Penalty</b> <input type="text" value="\$10,000"/>																				
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																				
OR	<table border="1" style="margin: auto;"> <tr> <td></td> <th colspan="3">Harm</th> <td></td> </tr> <tr> <td><b>Release</b></td> <th>Major</th> <th>Moderate</th> <th>Minor</th> <th></th> </tr> <tr> <td>Actual</td> <td><input type="text"/></td> <td style="text-align: center;">x</td> <td><input type="text"/></td> <td rowspan="2" style="vertical-align: middle;"> <b>Percent</b> <input type="text" value="50%"/> </td> </tr> <tr> <td>Potential</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>		Harm				<b>Release</b>	Major	Moderate	Minor		Actual	<input type="text"/>	x	<input type="text"/>	<b>Percent</b> <input type="text" value="50%"/>	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
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<b>&gt;&gt; Programmatic Matrix</b>																				
Matrix Notes	<table border="1" style="margin: auto;"> <tr> <td></td> <th>Falsification</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> <td></td> </tr> <tr> <td></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td> <b>Percent</b> <input type="text" value="0%"/> </td> </tr> </table>		Falsification	Major	Moderate	Minor			<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>	<div style="border: 1px solid black; padding: 5px;">           Human health and the environment have been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.         </div>						
		Falsification	Major	Moderate	Minor															
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>														
<b>Adjustment</b> <input type="text" value="\$5,000"/>																				
		<input type="text" value="\$5,000"/>																		
<b>Violation Events</b>																				
Number of Violation Events <input type="text" value="3"/>		<input type="text" value="87"/> Number of violation days																		
mark only one with an x	daily	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$15,000"/>																	
	monthly	x																		
	quarterly	<input type="text"/>																		
	semiannual	<input type="text"/>																		
	annual	<input type="text"/>																		
	single event	<input type="text"/>																		
Three monthly events are recommended based on the date of the non-compliant reference method stack test to the December 20, 2007 screening date.																				
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>																		
<b>Estimated EB Amount</b> <input type="text" value="\$479"/>		<b>Violation Final Penalty Total</b> <input type="text" value="\$20,850"/>																		
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$20,850"/>																				

**Economic Benefit Worksheet****Respondent** Copano Processing, L.P.**Case ID No.** 35137**Reg. Ent. Reference No.** RN101271419**Media Air****Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$10,000	25-Sep-2007	9-Sep-2008	1.0	\$479	n/a	\$479

**Notes for DELAYED costs**

Estimated cost to implement measures designed to ensure that the EPNCO2VENT operates within the required emissions limits. Date required is the date of the non-compliant reference method stack test. Final date is the projected date of compliance.

**Avoided Costs****ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs****Approx. Cost of Compliance**

\$10,000

**TOTAL**

\$479

## Compliance History

Customer/Respondent/Owner-Operator:	CN601465255	Copano Processing, L.P.	Classification: AVERAGE	Rating: 1.59																																																			
Regulated Entity:	RN101271419	COPANO PROCESSING HOUSTON CENTRAL GAS PLT	Classification: AVERAGE	Site Rating: 1.59																																																			
ID Number(s):	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">PUBLIC WATER SYSTEM/SUPPLY</td> <td style="width: 50%;">REGISTRATION</td> <td style="width: 50%;">0450051</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>51514</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>17154</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>76294</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>56613</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>EPA ID</td> <td>PSDTX709M1</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>EPA ID</td> <td>PSDTX706</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>ACCOUNT NUMBER</td> <td>CR0020C</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>AFS NUM</td> <td>4808900001</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>17117</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>50221</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>33867</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>10089</td> </tr> <tr> <td>AIR OPERATING PERMITS</td> <td>ACCOUNT NUMBER</td> <td>CR0020C</td> </tr> <tr> <td>AIR OPERATING PERMITS</td> <td>PERMIT</td> <td>807</td> </tr> <tr> <td>AIR OPERATING PERMITS</td> <td>PERMIT</td> <td>871</td> </tr> <tr> <td>WATER LICENSING</td> <td>LICENSE</td> <td>0450051</td> </tr> </table>				PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0450051	AIR NEW SOURCE PERMITS	PERMIT	51514	AIR NEW SOURCE PERMITS	PERMIT	17154	AIR NEW SOURCE PERMITS	REGISTRATION	76294	AIR NEW SOURCE PERMITS	PERMIT	56613	AIR NEW SOURCE PERMITS	EPA ID	PSDTX709M1	AIR NEW SOURCE PERMITS	EPA ID	PSDTX706	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	CR0020C	AIR NEW SOURCE PERMITS	AFS NUM	4808900001	AIR NEW SOURCE PERMITS	PERMIT	17117	AIR NEW SOURCE PERMITS	REGISTRATION	50221	AIR NEW SOURCE PERMITS	REGISTRATION	33867	AIR NEW SOURCE PERMITS	REGISTRATION	10089	AIR OPERATING PERMITS	ACCOUNT NUMBER	CR0020C	AIR OPERATING PERMITS	PERMIT	807	AIR OPERATING PERMITS	PERMIT	871	WATER LICENSING	LICENSE	0450051
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AIR NEW SOURCE PERMITS	REGISTRATION	50221																																																					
AIR NEW SOURCE PERMITS	REGISTRATION	33867																																																					
AIR NEW SOURCE PERMITS	REGISTRATION	10089																																																					
AIR OPERATING PERMITS	ACCOUNT NUMBER	CR0020C																																																					
AIR OPERATING PERMITS	PERMIT	807																																																					
AIR OPERATING PERMITS	PERMIT	871																																																					
WATER LICENSING	LICENSE	0450051																																																					
Location:	1650 COUNTY RD 255 SOUTH, SHERIDAN, TX, 77475		Rating Date: 9/1/2007 Repeat Violator: NO																																																				
TCEQ Region:	REGION 12 - HOUSTON																																																						
Date Compliance History Prepared:	December 19, 2007																																																						
Agency Decision Requiring Compliance History:	Enforcement																																																						
Compliance Period:	December 17, 2002 to December 17, 2007																																																						
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History																																																							
Name:	Roshondra Lowe	Phone:	(713) 767-3553																																																				

### Site Compliance History Components

- |  |     |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No  |
| 3. If Yes, who is the current owner?   | N/A |
| 4. If Yes, who was/were the prior owner(s)?  | N/A |
| 5. When did the change(s) in ownership occur?  | N/A |

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 03/19/2007

ADMINORDER 2006-1601-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
  
 30 TAC Chapter 122, SubChapter B 122.145(2)(B)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: General Terms and Conditions OP  
 Description: Failure to submit a semi annual deviation report.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- |   |            |          |
|---|------------|----------|
| 1 | 06/30/2003 | (126863) |
| 2 | 07/21/2003 | (10869)  |
| 3 | 08/20/2003 | (150531) |
| 4 | 08/26/2003 | (151129) |
| 5 | 03/22/2004 | (251408) |
| 6 | 03/26/2004 | (263512) |
| 7 | 03/30/2004 | (266961) |

8	12/09/2004	(336114)
9	12/09/2004	(336117)
10	12/09/2004	(336169)
11	03/23/2005	(373916)
12	05/05/2005	(379600)
13	06/10/2005	(373918)
14	07/19/2006	(558784)
15	08/30/2006	(480123)
16	11/03/2006	(560236)
17	02/28/2007	(532796)
18	03/01/2007	(560239)
19	05/16/2007	(557666)
20	05/21/2007	(560627)
21	05/30/2007	(555434)
22	05/31/2007	(562611)
23	08/31/2007	(574463)
24	12/14/2007	(609206)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	07/22/2003	(10869)		
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.146(2)			
Description:	Failure to submit an annual compliance certification within 30 days after the end of the certification period.			
Date:	03/23/2005	(379600)		
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(4)			
Description:	Failure to repair or replace the leaking valve located at well #3 near the pressure gauge.			
Date:	05/05/2005	(373918)		
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.145(2)(C)			
Description:	Failure to submit deviation report on time.			
Date:	07/19/2006	(558784)		
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)			
Description:	Violated the maximum contaminant level for arsenic during the second quarter of 2006.			
Date:	11/03/2006	(560236)		
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)			
Description:	Violated the maximum contaminant level for arsenic during the third quarter of 2006.			
Date:	03/01/2007	(560239)		
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)			
Description:	Violated the maximum contaminant level for arsenic during the fourth quarter of 2006.			
Date:	05/14/2007	(557666)		
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)			
Description:	Failure to properly maintain the regulated entity by not-repairing or replacing the broken barbed wire on the two fences surrounding the #4 & #5 and #1 & #2 well sites.			
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)			
Description:	Failure to provide the wells with a concrete sealing block extending at least 3 feet from the exterior well casing in all directions. The finished slab must have a minimum dimension of 6 feet plus the outside diameter of the well casing, a minimum thickness of 6 inches, and must be sloped to drain away from the well head at not less than 0.25 inches per foot.			
Date:	05/18/2007	(555434)		
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)			
	5C THC Chapter 382, SubChapter D 382.085(b)			
Rqmt Prov:	PERMIT Permit 56613, Special Condition 1			
Description:	Copano failed to install emission controls on Boiler 3 by March 1, 2007 as stated in Special Condition #3 in Permit Number 56613.			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)			
	5C THC Chapter 382, SubChapter D 382.085(b)			
Rqmt Prov:	PERMIT 56613, Special Condition 3			

Description: Copano failed to install emission controls on Boiler 3 by March 1, 2007 as stated in Special Condition #3 in Permit Number 56613.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A





# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
COPANO PROCESSING, L.P.  
RN101271419**

**§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2008-0010-AIR-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Copano Processing, L.P. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a gas processing plant at 1650 County Road 255 South in Sheridan, Colorado County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 19, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.



6. An administrative penalty in the amount of Twenty Thousand Eight Hundred Fifty Dollars (\$20,850) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eight Thousand Three Hundred Forty Dollars (\$8,340) of the administrative penalty and Four Thousand One Hundred Seventy Dollars (\$4,170) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Eight Thousand Three Hundred Forty Dollars (\$8,340) shall be offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent submitted an application to the TCEQ on December 14, 2007 requesting an amendment to Air Permit No. 56613 to increase the Volatile Organic Compound ("VOC") limits for the Amine Vent ("EPN CO2VENT") above the rate which was being emitted during the September 25, 2007 stack test.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to comply with the 0.32 pounds per hour ("lbs/hr") VOC emissions limit for the Amine Vent ("EPN CO2VENT"), in violation of 30 TEX. ADMIN. CODE § 116.115(c), TCEQ Air Permit No. 56613, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 10, 2007. Specifically, during a September 25, 2007 reference method stack test, VOC emissions from the EPN CO2VENT were 141.6 lbs/hr.



### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Copano Processing, L.P., Docket No. 2008-0010-AIR-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Eight Thousand Three Hundred Forty Dollars (\$8,340) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests, or by any other deadline specified in writing; and
  - b. Within 180 days after the effective date of this Agreed Order, submit written certification as described below demonstrating that the Amine Vent ("EPN CO2VENT") is operating within authorized limits for VOCs, and include detailed supporting documentation including photographs, receipts, and/or records to demonstrate compliance with Ordering Provision No. 3.a. and No. 3.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."



The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.





9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

6/30/2008  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

3/20/2008  
\_\_\_\_\_  
Date

K. S. DeYoung  
Name (Printed or typed)  
Authorized Representative of  
Copano Processing, L.P.

V.P., Govt. and Reg. Affairs  
\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.



Attachment A  
Docket Number: 2008-0010-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Copano Processing, L.P.</b>
<b>Payable Penalty Amount:</b>	<b>Sixteen Thousand Six Hundred Eighty Dollars (\$16,680)</b>
<b>SEP Amount:</b>	<b>Eight Thousand Three Hundred Forty Dollars (\$8,340)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Lower Colorado River Authority's Household Hazardous Waste and Reusable Materials Collection</b>
<b>Location of SEP:</b>	<b>Colorado County</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondent will contribute to Lower Colorado River Authority ("LCRA") Household Hazardous Waste and Reusable Materials Collection in Colorado County. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between the Lower Colorado River Authority and the Texas Commission on Environmental Quality*. SEP monies will be used to sponsor household hazardous waste collection events, battery collection events, used oil collection events, paint collection events, and tire collection events in conjunction with local city and county governments through the LCRA Statutory District. These collection events provide citizens with a safe and convenient opportunity to properly dispose of household hazardous wastes such as: paint, tires, pesticides, motor oil, oil filters, antifreeze, batteries, and household cleaners. Citizens will be encouraged to reuse unused portions of properly labeled and handled chemical products (i.e. fertilizers, paints, and some pesticides/herbicides) through the reusable materials exchange. SEP monies will be used by LCRA to supplement scheduled events, and to add additional collection events. The LCRA has not previously budgeted for these supplemental, additional, or special collection events and will not budget for them.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.



**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by providing a safe and convenient means for proper disposal of household hazardous waste. The program helps protect the environment, particularly the Edwards Aquifer and groundwater sources. It also discourages illegal dumping of hazardous materials by providing a convenient and free source for waste disposal.

**C. Minimum Expenditure**

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Lower Colorado River Authority  
Attn: Jack Ranney  
PO Box 220  
Austin, Texas 78767-0220

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:





Copano Processing, L.P.  
Agreed Order – Attachment A

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

